

**REMARKS**

The Office Action of July 23, 2008 has been reviewed and these remarks are responsive thereto. Claim 1 has been amended to correct a typographical error. Claims 1-17, 19 and 20 remain pending in this application. Reconsideration and allowance of the instant application are respectfully requested.

***Rejections Under 35 U.S.C. § 102***

Claims 1, 5, 7, 11, and 19 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,801,747 to Bedard (hereinafter “Bedard”). Applicants respectfully traverse this rejection.

Claim 1 has been amended to correct a typographical error in the previously presented claim.

Claim 1 recites, among other features, adding a first category from the first set to the second set of categories of broadcasted programs in response to tuning a broadcasted program viewing device to a broadcasted program fitting into the first category of the first set of categories *a predetermined number of times*, wherein the predetermined number of times is greater than 1. Applicants respectfully assert that Bedard fails to teach or suggest the features of claim 1.

Bedard describes a method and apparatus for monitoring television viewing activity to determine preferred categories of programming and preferred channels of a viewer. Abstract. The method and apparatus of Bedard include adding a viewed channel to a list of preferred channels when the channel is viewed for a predetermined amount of time. See col. 4, lines 38-40. At most, Bedard describes adding a category to a viewer profile based on viewing a *channel* associated with that category. See col. 4, lines 49-65. However, Bedard clearly fails to teach or suggest adding a first *category* from the first set of categories to the second set of *categories* in response to tuning a device to a *broadcasted program* fitting into the first category a predetermined number of times. Rather, Bedard describes adding a category to a viewer profile based on a number of times a channel associated with that category has been viewed. According to Bedard, a category will be added only if the channel viewed is associated with that category.

*Id.* The category will not be added to a viewer profile if a *broadcast program* in that category is viewed on a channel not associated with that category. *Id.* There is no teaching or suggestion in Bedard of adding a *category* to a set of *categories* based in response to tuning a device to a *program* fitting into the first category.

Further, Bedard fails to teach or suggest adding a category *in response to tuning a device to a broadcasted program fitting into the first category a predetermined number of times*, wherein the predetermined number of times is greater than 1, as recited in claim 1. Instead, Bedard describes adding a channel to the list of channels when the channel is viewed once *for a given period of time*. See col. 5, lines 34-48. A length of viewing time, as described by Bedard, does not constitute a number of times tuned. Further, Bedard describes a system wherein a device may be tuned to a channel more than once but not added to the channel listing because the channel was not viewed for the minimum time required.

At most Bedard describes adding a most often viewed channel or category based on viewing a channel associated with that category or a most recently viewed channel or category based on viewing a channel in that category. See col. 8, lines 51-63. Applicants respectfully submit that this does not constitute tuning a device to a *program* fitting into the first category a *predetermined number of times*. Rather, adding a channel or category as a most often viewed channel or category requires the number of viewings of the *channel* to be compared to viewings of other *channels*. It does not require the number of viewings of a *broadcast program fitting into the first category* to be compared to a predetermined threshold number of times, as recited in claim 1.

For at least the reasons discussed above, Applicants respectfully assert that claim 1, as well as claims 5 and 19 that depend therefrom, are patentably distinct from Bedard.

Claim 7 includes language similar to claim 1 and is allowable for at least the same reasons discussed above with respect to claim 1. Claim 11 depends from claim 7 and is allowable for at least the same reasons as its base claim and further in view of the additional novel and non-obvious features recited therein. Accordingly, Applicants respectfully request withdrawal of these rejections.

***Rejections Under 35 U.S.C. § 103***

Claims 2 and 8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bedard in view of U.S. Patent No. 6,128,009 to Ohkura (hereinafter “Ohkura”). Applicants respectfully traverse these rejections.

Claims 2 and 8 depend from claims 1 and 7, respectively, and are allowable for at least the same reasons as their base claims. The addition of Ohkura fails to cure the deficiencies of Bedard with respect to claims 1 and 7. Accordingly, Applicants respectfully request withdrawal of these rejections.

Claims 3 and 9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bedard in view of U.S. Patent Publication no. 2004/0210932 to Mori (hereinafter “Mori”). Applicants respectfully traverse these rejections.

Claims 3 and 9 depend from claims 1 and 7, respectively, and are allowable for at least the same reasons as their base claims. The addition of Mori fails to cure the deficiencies of Bedard with respect to claims 1 and 7. Accordingly, Applicants respectfully request withdrawal of these rejections.

Claims 4 and 10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bedard in view of U.S. Patent No. 6,438,752 to McClard (hereinafter, “McClard”). Applicants respectfully traverse these rejections.

Claims 4 and 10 depend from claims 1 and 7, respectively, and are allowable for at least the same reasons as their base claims. The addition of McClard fails to cure the deficiencies of Bedard with respect to claims 1 and 7. Accordingly, Applicants respectfully request withdrawal of these rejections.

Claims 6, 12-14, 17 and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bedard in view of Ohkura and further in view of U.S. Patent No. 6,301,577 to Matsumoto (hereinafter “Matsumoto”). Applicants respectfully traverse these rejections.

Claims 6 and claim 12 depend from claims 1 and 7, respectively, and are allowable for at least the same reasons as their respective base claims. The addition of Ohkura and Matsumoto fail to cure the deficiencies of Bedard with respect to claims 1 and 7. Accordingly, Applicants respectfully request withdrawal of these rejections.

Claim 13 recites, among other features, a first unit to provide a first set of categories of content of broadcasted programs and a second unit coupled with the first unit to add a category from the first set to a second set of categories of broadcasted programs *in response to selecting the category from the first set and tuning a broadcasted program viewing device*, for a period of time at least equal to a first predetermined threshold, *to at least one broadcasted program predetermined to be in the category* from the first set, wherein the second unit further includes a user verification wherein a user approves the category from the first set being added to the second set prior to the category being added. Applicants respectfully assert that none of Bedard, Ohkura or Matsumoto, alone or in combination, teaches or suggests the features of claim 13.

The Office fails to identify any portion of Bedard, Ohkura or Matsumoto that teaches or suggests a first unit and a second unit. Further, the Office fails to identify any portion of Bedard, Ohkura or Matsumoto that teaches or suggests tuning a broadcasted program viewing device, for a period of time at least equal to *a first predetermined threshold*, to at least one *broadcasted program* predetermined to be in the category from the first set. At most, Bedard describes adding a channel or category to a viewer profile based on viewing the channel or a channel in the category for a predetermined time. There is no teaching or suggestion in any of the cited references of tuning a device to a *program* in that category. Accordingly, Applicants respectfully assert that claim 13 is patentably distinct from the cited combination of references.

Claims 14, 17 and 20 depend from claim 13 and are allowable for at least the same reasons as discussed above with respect to claim 13, and further in view of the additional novel features recited therein. Accordingly, Applicants respectfully request withdrawal of these rejections.

Claim 15 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Bedard in view of Ohkura and further in view of Mori. Applicants respectfully traverse this rejection.

Claim 15 depends from claim 13 and is allowable for at least the same reasons as discussed above with respect to claim 13. The addition of Mori fails to cure the deficiencies of Bedard and Ohkura with respect to claim 13. Accordingly, Applicants respectfully request withdrawal of this rejection.

Claim 16 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Bedard in view of Ohkura, Matsumoto and McClard. Applicants respectfully traverse these rejections.

Claim 16 depends from claim 13 and is allowable for at least the same reasons as discussed above with respect to claim 13. The addition of McClard fails to cure the deficiencies of Bedard, Matsumoto and Ohkura with respect to claim 13. Accordingly, Applicants respectfully request withdrawal of these rejections.

#### CONCLUSION

No additional fees are believed to be due in connection with this amendment. If any additional fees are required or if an overpayment is made, the Commissioner is authorized to debit or credit our Deposit Account No. 19-0733, accordingly.

All rejections having been addressed, applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same.

Respectfully submitted,

BANNER & WITCOFF, LTD.

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By: /Elizabeth A. Almeter/  
Elizabeth A. Almeter  
Registration No. 57,019

1100 13<sup>th</sup> Street, N.W.  
Washington, D.C. 20005-4051  
Tel: (202) 824-3000  
Fax: (202) 824-3001  
EAA